

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58507 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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Supen Sarkar @ Supendra Sarkar Son of Late Nishikanta Sarkar, Resident of
Village - Champa Shri Samar Nagar Colony, Ward no.46, P.S.- Pardhan
Nagar, Distt.- Darjeeling (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the
petitioner, above named, for grant of regular bail to the
petitioner who has been made accused and put behind the bar in
connection with Purnea Excise C-1 Case No. 06 of 2021
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the
Police on a search, intercepted the one Mahindra Pick-up Van
and on search altogether 779.760 illicit foreign liquor has been
recovered.

It is submitted on behalf of the petitioner that the



petitioner is a driver of the said vehicle from which recovery has been made. It is next submitted that the petitioner being driver of the said vehicle was not even aware as to what was loaded in his vehicle by the consigner. It is further submitted that the petitioner having no criminal antecedent and is in custody since 19.01.2021. It has further been submitted that the investigation has been concluded and the charge-sheet has already been submitted.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having considered the submissions made on behalf of the parties and taking into account the material available on record especially the petitioner is alleged to be a driver of the said vehicle, which was driven by him on fare/rent and he having no criminal antecedent and is in judicial custody since 19.01.2021. Apart from the fact that the investigation has been concluded and charge-sheet has already been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnea in connection with Purnea Excise C-1 Case No. 06 of 2021, subject to the condition that



one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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